IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1508 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KHEMCHAND GOVARMAL DHANWANI AND OTHERS
Versus
CHETANDAS KANVARBHAI

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Appearance :
MR BP DALAL for Applicants.
MR AMAR D MITHANI for Opponent.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 28/02/2006

ORAL JUDGMENT

By filing this Civil Revision Application, the applicants have prayed for setting aside the order passed by Second Extra Assistant Judge, Junagadh dated 3-4-2001 passed in Civil Misc. Application No.142/2000

by which the learned Judge has refused to condone the delay in preferring revision application before the District Court.

The applicants herein are the tenants of the suit premises belonging to the opponents and an application was preferred by them for fixing the standard rent by resorting to Section 11 of the Bombay Rent Act. Said application was registered as Civil Misc. Application No.2/1997, however, that application was rejected by the trail Court vide its judgement and order dated 17-7-2000. The applicant has not annexed that order, however, learned advocate Mr.Mithani, who is appearing for the opponent submitted that said application was rejected on the ground that earlier also the tenants had preferred such application, which was dismissed for default and that successive application is nothing but abuse of process of law. Mr.Mithani further submitted that in the original order it is found that since years the tenants are paying the rent at Rs.60 per month. Against the rejection of that application, the petitioners herein preferred a revision application before the District Court and since there was a delay in preferring such revision application, an application for condonation of delay was preferred. However, the delay is not condoned by the revisional Court.

At the time of hearing of this revision application, Mr.Dalal has not remained present, however, I have heard Mr.Mithani, learned advocate for the other side and I have gone through the order passed by the Second Extra Assistant Judge, Junagadh. It is required to be noted that this revision is filed under Section 115 of Civil Procedure Code and by reading the impugned order, it cannot be said that the learned Judge has committed any jurisdictional error, which calls for interference of this

Court in a revision under Section 115 of Civil Procedure Code.

Considering the fact that Mr.Dalal has not remain present to pursue this revision application and considering the nature of controversy, which is in connection with fixation of standard rent, which according to Mr.Mithani is Rs.60 per month, and considering the reasoning given by the learned Judge for not condoning the delay, in my view, this is not a case in which this Court would like to exercise powers under Section 115 of Civil Procedure Code by setting aside the impugned order, hence, this Civil Revision Application is rejected. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.

(P.B.MAJMUDAR, J.)

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